

Kerry Hartman
4/2/2021

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3 (1) PATRICIA THOMPSON, as)
4 Personal Representative of the)
Estate of MARCONIA LYNN)
5 KESSEE,)
6 Plaintiff,)
7 -vs-) No. CIV-19-113-SLP
8 (1) NORMAN REGIONAL HOSPITAL)
AUTHORITY d/b/a NORMAN)
9 REGIONAL HOSPITAL, a public)
trust, et al.,)
10 Defendants.)

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14 VIDEOCONFERENCE DEPOSITION OF KERRY HARTMAN

15 TAKEN ON BEHALF OF THE PLAINTIFF

16 IN OKLAHOMA CITY, OKLAHOMA

17 ON APRIL 2, 2021

18 COMMENCING AT 10:37 A.M.

19 * * * *

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21

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25 REPORTED BY: BETH A. McGINLEY, CSR, RPR, RMR

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1 THE MONITOR: Will the court reporter please
2 swear in the witness?

3 KERRY HARTMAN,
4 having been first duly sworn, deposes and says in reply
5 to the questions propounded as follows:

6 * * * * *

7 EXAMINATION

8 BY MR. HICKS:

9 Q All right. Good morning. My name is Jason
10 Hicks. I'm representing the plaintiff in this case,
11 which is the family of Marconia Kessee, but really just
12 his grandma.

13 Could you give your full name for the record?

14 A Kerry Austin Hartman.

15 Q And, previously, you were known as Kerry --

16 A Kerry Gassaway.

17 Q -- Gassaway?

18 A Yes.

19 Q All right. So if, in the records, it reflects
20 Kerry Gassaway, that's you?

21 A Yes.

22 Q Okay. Have you ever given a deposition
23 before?

24 A No.

25 Q All right. I'm just going to go through a

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1 A Correct.

2 Q Okay. Have you spoken to anyone -- so right
3 after this event occurred -- we're talking about the
4 event related to Marconia Kessee on January 15th of
5 2018. Do you understand that?

6 A Yes.

7 Q Are you familiar with, essentially, the --
8 what happened?

9 A Yes.

10 Q Okay. You understand Marconia presented
11 himself at the Norman Regional Hospital that -- that
12 afternoon/evening and subsequently passed away after --
13 possibly in or after going to the Cleveland County
14 Detention Center?

15 A Yes.

16 Q Okay. And on that day, did you -- were you
17 a -- did you have any interaction with Marconia Kessee
18 on January 16th of 2018?

19 A Yes.

20 Q Okay. Describe that.

21 A I was a triage nurse, so I triaged him, and
22 then I saw him later when he did a fall in the hallway.
23 And that was my interaction with him.

24 Q Okay.

25 MS. GOOCH: "That was," what?

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1 Q Are you still in the emergency room --
2 A Yes.
3 Q -- department?
4 A Yes.
5 Q Okay. Are you still a triage nurse?
6 A I mean, it's a rotating thing. I'm not always
7 triage nurse.
8 Q Okay. You were just a triage nurse on that
9 particular night?
10 A Yes.
11 Q All right. Tell me what your current job role
12 is at Norman Regional.
13 A I mean, I take care of emergency department
14 patients, as their nurse, as their primary nurse.
15 Q Okay. Let's go back to specifically as a
16 triage nurse. Take me through what a triage nurse does
17 at Norman Regional.
18 A Gathering information, past medical
19 information, obtaining vital signs, and prioritizing
20 based on the urgency of the complaint.
21 Q Uh-huh.
22 A And what I'm seeing.
23 Q And when you say "prioritizing", how fast
24 somebody gets in to the doctor or --
25 A Pretty much.

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1 triage process.

2 A So you'd get vital signs. You ask why they're
3 there. And then, based off that, you'll ask the
4 questions that I've already said, and then you'll get
5 their medical history, surgical history, tobacco
6 history, drug use history, alcohol history. You'll ask
7 them if they have thoughts of hurting their self or
8 anybody else, if they feel safe.

9 Q Uh-huh.

10 A Get their allergies.

11 Q Okay. Do you recall doing this triage for
12 Marconia Kessee?

13 A I don't recall specific details, I guess. I
14 mean, I know that I did it.

15 Q When you prioritize somebody, is that written
16 down someplace in the record, what prior- -- like, is
17 there a number --

18 A Yeah.

19 Q -- like, they're a Priority 1 or 5 or --

20 A Yes.

21 Q Let me hand you this record.

22 MR. HICKS: I'm going to actually -- we're
23 going to go a little bit out of order. We'll mark this
24 as 2, because I already made this 1, so...

25 Q (By Mr. Hicks) These have been offered to us

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1 Mr. Kessee a 4. If the practice was common, then
2 everything you asked him and, if he gave an answer, his
3 answer is going to be in the record, and he has now been
4 moved on to somebody else, who decides who and how he's
5 going to be seen. Is that kind of a good summary?

6 MR. HOISINGTON: Object to form. Go ahead.

7 A Yes.

8 Q (By Mr. Hicks) Okay. And you, at that point,
9 state that you didn't notice anything abnormal about
10 Mr. Kessee, with any of the ways -- walking, talking,
11 interacting in any way --

12 A No.

13 0 -- at triage?

14 A No.

15 Q Okay. So Mr. Kessee goes to the back. When's
16 the next time you see Mr. Kessee at all? Is that when
17 he falls in the hallway?

18 A Yeah, when he's walking in the hallway.

19 Q Okay. And you were there that evening and we
20 can go -- do you recall that fall in the hallway?

21 A Somewhat, yes.

22 Q Okay. Tell me: As Mr. Kessee is walking in
23 the hallway and he falls, do you know where Mr. Kessee
24 was going before he fell?

25 A I don't.

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1 Q So if you remember something --

2 A I don't remember.

3 Q -- tell me, and if you don't, just say --

4 A Yeah.

5 Q -- "I don't know."

6 A There's nothing that comes to mind.

7 Q Okay. Was there anything about -- other than
8 the fall, or whatever you want to call it, was there
9 anything about Mr. Kessee's behavior or conduct at that
10 point, that you recall looking abnormal?

11 A Not in particular.

12 Q Okay. Did you tell anybody that you saw
13 Mr. Kessee fall? For example, Mr. Holbrook?

14 A I didn't tell Mr. Holbrook, but Dr. Roberts,
15 to my understanding, was aware because he witnessed it,
16 as well.

17 Q I'm sorry, Dr. Steven Roberts witnessed Mr.
18 Kessee fall?

19 A Yes.

20 Q Okay. Did Mr. -- did Dr. Roberts say anything
21 to you, regarding Mr. Kessee's fall, that -- after he
22 witnessed it?

23 A Nothing that I could -- nothing that I
24 remember.

25 Q Okay. Do you remember Dr. Roberts doing

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1 anything after he saw Mr. Kessee fall?

2 A I mean, I think we all went to check on him
3 and assess him and ask if anything was hurting.

4 Q Okay.

5 A It was primarily, probably, me and our tech.

6 Q Mr. Fan- -- is it Fanman?

7 A Yes.

8 Q Okay.

9 MR. HICKS: My intent is to play the Norman
10 Regional video of -- so far, it's giving me -- oh, wait,
11 maybe -- I think it's -- I think it's ready to go now.
12 Here we go. Give me a -- just a minute to get this
13 thing set up, if you guys want to go off the record --

14 MR. HOISINGTON: This would be a good --

15 MR. HICKS: -- for a minute.

16 MR. HOISINGTON: -- bathroom break time,
17 wouldn't it?

18 MS. DARK: Yeah.

19 MR. HOISINGTON: All right.

20 THE MONITOR: Going off the record. The time
21 is 11:18 a.m.

22 (Recess was had from 11:18 a.m. to 11:28 a.m.)

23 THE MONITOR: We are back on the record. The
24 time is 11:28 a.m.

25 Q (By Mr. Hicks) All right. You understand

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1 A (Moved head from side to side.)
2 Q And is that you?
3 A Yes.
4 Q At 1:24:59 in the blue scrubs, walking in from
5 the bottom of the camera --
6 A Yes.
7 Q -- is you?
8 Okay. So...
9 (Plaintiff's Exhibit No. 3, NRH surveillance
10 video, was played off the record.)
11 Q (By Mr. Hicks) We just saw Mr. Kessee fall,
12 correct?
13 A Uh-huh -- yeah.
14 Q Or whatever you want -- how -- you describe
15 it, what you saw.
16 A I mean, I... I don't know if it was, like -- I
17 don't --
18 Q Go to the ground?
19 A He falls down, he goes to the ground, sure,
20 yes.
21 Q Okay. And then that's you who get -- who gets
22 over there first?
23 A Yes.
24 Q Do you recall any words spoken at that point?
25 A I don't recall.

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1 Q Okay. You don't know, one way or the other?

2 A No.

3 Q Okay. You don't recall anything that you said
4 or Mr. Kessee said, one way or the other?

5 A No.

6 Q Okay. Do you believe you spoke to Mr. Kessee
7 right there?

8 A I think it's likely.

9 Q Okay. And there's an individual right here on
10 the left side of the screen. Do you see this person?

11 A Yes.

12 Q I'm going to play it, but do you know who that
13 is coming in?

14 A I believe that's Dr. Roberts.

15 Q Okay.

16 MS. DARK: What?

17 THE WITNESS: I believe that's Dr. Roberts.

18 Q (By Mr. Hicks) So that was -- and he --

19 Dr. Roberts is now standing -- we're at 1:25:18 and
20 Dr. Roberts is standing behind this --

21 A Yes.

22 Q -- pillar, kind of, that's in that tech
23 station that we just talked about; is that right?

24 A As far as -- I think --

25 Q Do you recall -- sorry, I interrupted you.

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1 Q (By Mr. Hicks) Were you there --

2 MR. HOISINGTON: I object to the form. Sorry.

3 Object to the form of the question.

4 Q (By Mr. Hicks) Okay. Let me go backwards
5 here. Describe for me everything that you saw of
6 Marconia Kessee in the waiting room at this point where
7 we're -- right before the police officers are arriving
8 or after he's discharged, you know, later on, the next
9 time you see him after the fall.

10 A I --

11 MR. HOISINGTON: Object to the form. Go
12 ahead.

13 A I saw security walk over there and so I walked
14 over to check the situation out, to see what was going
15 on.

16 Q (By Mr. Hicks) Okay.

17 A I saw him sitting in a chair and then security
18 was talking to him, and then I assumed, at that point,
19 that was a security issue and so I -- I left.

20 Q Okay. Why did you go out to check that area?

21 A Anytime that security is involved, I like to
22 have an idea of what's going on.

23 Q Okay.

24 A And especially if I was leaving my shift, I'd
25 like to at least have an idea, to tell the oncoming

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1 sure.

2 Q I'm sorry, it was your understanding that he
3 was seen?

4 A That -- that his physician witnessed, or at
5 least witnessed the aftermath of that, so they were
6 aware.

7 Q Okay. But you didn't go to him and say, "Did
8 you" --

9 A I don't know.

10 Q "I don't know if you saw it, what do we do?"
11 That's -- that's what I'm getting at. Right?

12 A I --

13 MR. HOISINGTON: Object to the form.

14 A I don't know.

15 MR. HOISINGTON: Asked and answered. Go ahead
16 and answer it one more time and then we'll be done with
17 this.

18 A I do not know.

19 Q (By Mr. Hicks) Okay. Do you agree that if
20 you're uncertain whether the attending physician or any
21 other medical provider -- Justin Holbrook, you know, as
22 a nurse practitioner, saw or was otherwise aware of
23 Mr. Kessee or any patient falling, that you, who
24 witnessed it, as a nurse, should tell them? Do you
25 concede that you should tell them?

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1 MR. HOISINGTON: Object to the form. Go
2 ahead.

3 A Yes.

4 Q (By Mr. Hicks) Okay. Why is it important to
5 tell someone, like Dr. Roberts or Justin Holbrook, that
6 a person in the ER, under their care, fell?

7 A I mean, like I said, he at least saw the
8 aftermath of him standing up, so I was under the
9 understanding that he knew.

10 Q And I -- I appreciate that you --

11 A It's important for patient care, I guess. I
12 mean, if -- but -- yeah.

13 Q And -- well, I want to let you --

14 A Can you rephrase your question for me?

15 Q Yeah.

16 A I don't...

17 Q Just why is it important if -- if you don't
18 know what -- for sure, that anyone else witnessed this
19 fall, a fall of a patient in the ER, why is it important
20 to tell the doctor or the nurse practitioner that
21 someone in the ER fell?

22 MR. HOISINGTON: Object -- object to form.

23 Previously, you were asking her a hypothetical. Are you
24 asking about a hypothetical or are you asking about this
25 particular event?

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1 A I -- no, I said I've thought -- sure, I've
2 thought of that, but I don't think that there's
3 anything, even looking back now, that I would have done
4 differently, given the scenarios, if they were all the
5 exact same.

6 Q Okay. Do you concede that you should have
7 told Dr. Roberts and Dr. -- and/or Justin Holbrook about
8 Marconia's fall?

9 A I was under the understanding that Dr. Roberts
10 was aware.

11 Q Okay. Did you advise Dr. Roberts or
12 Mr. Holbrook that -- let me go back. Strike that.

13 We, earlier, discussed that -- we went through
14 the video of Marconia falling in the hallway and we
15 discussed certain things that he was doing in the
16 hallway that you did not witness at triage. Do you
17 recall that?

18 A I didn't -- in that video, there wasn't
19 anything that was that abnormal, as far as I saw. I
20 mean, he did -- besides the stutter step fall, I mean,
21 his walking was pretty normal prior to that. So, no, I
22 didn't -- none of that set off any kind of alarm bells
23 in my head that --

24 Q Right.

25 A -- this guy is acting --